

Town Board Minutes

April 6, 2009

Meeting No. 11

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at 21 Central Avenue, Lancaster, New York on the 6th day of April 2009 at 8:00 P.M. and there were

PRESENT: JOHN ABRAHAM , COUNCIL MEMBER
DANIEL AMATURA, COUNCIL MEMBER
RONALD RUFFINO, COUNCIL MEMBER
DONNA STEMPIAK, COUNCIL MEMBER
ROBERT GIZA, SUPERVISOR

ABSENT: NONE

ALSO PRESENT: JOHANNA COLEMAN, TOWN CLERK
JOHN DUDZIAK, TOWN ATTORNEY
GEORGE PEASE, ASSISTANT BUILDING INSPECTOR
GARY STOLDT, CHIEF OF POLICE
DAVID MARRANO, ASSESSOR
TERRENCE McCracken, GENERAL CREW CHIEF
ROBERT HARRIS, ENGINEER, WM. SCHUTT & ASSOCIATES

EXECUTIVE SESSION #1:

AT 8:14 P.M., UPON A MOTION DULY MADE BY COUNCIL MEMBER AMATURA, SECONDED BY COUNCIL MEMBER ABRAHAM AND CARRIED, the Town Board entered into Executive Session to deliberate on the announced purpose of discussing a contractual matter.

At 8:19 P.M., the Town Board reconvened with all members present. The Town Clerk reported that no official actions were taken by the Town Board in Executive Session.

PERSONS ADDRESSING TOWN BOARD:

Brady Orcott, Sertoma Essay Winner, presented his winning essay titled “ Freedom in America”.

Beutler, Daniel, spoke to the Town Board on the following matters:

- potential sale of former Depew Library building
- appointment of part time employee
- light poles at William Street & Transit Road
- number of police vehicles for bid
- Lancaster/Depew Substance Abuse Coalition

Dahn, Marlene, spoke to the Town Board on the following matter:

- hunting in vicinity of her home

Chowaniec, Lee, spoke to the Town Board on the following matters:

- number of Police Department vehicles
- Lancaster Dispatcher Employee Association contract
- assessment update
- cost of School Resource Officer Program
- Lancaster/Depew Substance Abuse Coalition

Czeriejewski, Thomas, spoke to the Town Board on the following matter:

- repair of storm sewers and road work on his street

Geblein, Jeff, spoke to the Town Board on the following matter:

- presented to the Town Board a check for \$25,000 representing donations for Town Band Shell

Haniszewski, Dennis, spoke to the Town Board on the following matter:

- Ransom Auto Parts

Fronczak, Mike, spoke to the Town Board on the following matters:

- storm sewers on Glendale Drive & Parkdale Drive
- wild geese problem
- Town Hall addition

Bielman, Mike, spoke to the Town Board on the following matter:

- assessment update

Seleto, Tom, spoke to the Town Board on the following matter:

- drainage issues on his and his neighbor's property

Symer, Donald, spoke to the Town Board on the following matter:

- pending sale of former library building on Columbia Avenue

PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

RESOLVED, that the minutes of the Joint Meeting of the Town Board and the Planning Board held March 16, 2009 and the Regular Meeting of the Town Board held March 16, 2009 be and are hereby approved.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

April 6, 2009

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER ABRAHAM, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER AMATURA, TO WIT:

WHEREAS, The Town Board of the Town of Lancaster has heretofore held a public hearing pursuant to Chapter 50-Zoning- Section 17 (F) of the Code of the Town of Lancaster, upon the application of **Julie and Daniel Curtis**, for a Special Use Permit for a Home Occupation (Woodcraft/Gift Shop - Two Chicks and a Rooster) on premises located at 732 Aurora Street in the Town of Lancaster, New York, and

WHEREAS, persons for and against such Special Use Permit have had an opportunity to be heard;

NOW, THEREFORE, BE IT

RESOLVED as follows:

1. That pursuant to Chapter 50-Zoning, Section 17 (F), entitled “Home Occupations” of the Lancaster Town Code, the Lancaster Town Board hereby grants a Special Use Permit to **Julie and Daniel Curtis**, for a Home Occupation (Woodcraft/Gift Shop - Two Chicks and a Rooster) on the premises located at 732 Aurora Street, Lancaster, New York, upon the terms and conditions as set forth in the Zoning Ordinance, and
2. That the applicant will continue in compliance with conditions as set forth in Chapter 50-Zoning, Section 17 (F), of the Code of the Town of Lancaster as long as the applicant continues to engage in the home occupation on the premises, namely:
 - a. Permit must be renewed every two (2) years at no additional cost to applicant.
 - b. This Special Use Permit terminates when the applicant no longer resides on the premises.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

April 6, 2009

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER RUFFINO, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPIAK, TO WIT:

WHEREAS, Terrence McCracken, the General Crew Chief of the Town of Lancaster, has advised the Town Board on March 3, 2009 that the Department of Parks, Senior Facility and Buildings & Grounds are in possession of the following: 1994 Chevrolet Astro Van (VIN# 1GCDM15Z3RB165058), a 1994 Chevrolet Dump Truck (VIN# 1GBKC34FXRJ116740), a 1995 Dodge Van(VIN# 2B4HB15X1SK549942), a 1995 Ford 6 Passenger Pick-Up Truck#78 (VIN# 1FTJW35HOSEA40863), and a 1995 John Deere Gator (VIN# VV006X4D003604) which are no longer of use to the Department of Parks, Senior Facility and Buildings & Grounds due to natural wear and tear, and therefore has requested that the Town Board deem the property to be surplus property and expose them to auction; and

WHEREAS, the Town Board has given due consideration to the request of the General Crew Chief, Terrence McCracken, and deems it in the public interest to declare the before mentioned property to be surplus property as the property is no longer safe to utilize within the Department of Parks, Senior Facility and Buildings & Grounds due to natural wear and tear and permit an auction of same;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby declares the before mentioned 1994 Chevrolet Astro Van, 1994 Chevrolet Dump Truck, 1995 Dodge Van, 1995 Ford 6 Passenger Pick-Up Truck, and 1995 John Deere Gator to be surplus property and authorizes the General Crew Chief to cause the auction of the before described property in an “as is” condition at an auction as deemed appropriate by, Terrance McCracken, the General Crew Chief with the funds which are received at auction to be made payable to the Town of Lancaster and delivered to the Town Supervisor’s Office.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

LEGAL NOTICE
PUBLIC AUCTION
OF TOWN OWNED SURPLUS EQUIPMENT

Notice is hereby given that the Department of Parks, Senior Facility and Buildings & Grounds of the Town of Lancaster has a 1994 Chevrolet Astro Van, a 1994 Chevrolet Dump Truck , a 1995 Dodge Van, a 1995 Ford 6 Passenger Pick-Up Truck #78 and a 1995 John Deere Gator which are deemed surplus equipment and will be auctioned at the Lancaster Speedway, 57 Gunnvile Road, Lancaster, New York sponsored by Scott Perry & Company, 2019 River Road, Niagara Falls, New York 14304 on April 11, 2009.

Successful bidders must provide a payment of 10% of the bid price offered payable to the Town of Lancaster. The balance from the successful bidder is due 48 hours after the auction.

The surplus equipment may be inspected at the Department of Parks, Senior Facility and Buildings & Grounds of the Town of Lancaster, 525 Pavement Road, Lancaster, New York by contacting the Parks and Recreation Department at 683-3320 to make an appointment.

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER ABRAHAM, TO WIT:

WHEREAS, the General Crew Chief , by letter dated March 24, 2009, has requested the creation of one (1) position of Recreation Leader - Senior Citizens (full-time) in the Town of Lancaster Senior Center. This full-time position is currently funded in the 2009 budget.

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor of the Town of Lancaster be and is hereby authorized to complete and submit Form PO-17 (New Position Duties Statement) to create one (1) position of Recreation Leader - Senior Citizens (full-time) in the Town of Lancaster Senior Center.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

April 6, 2009

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPNIAK, TO WIT:

RESOLVED, that the Town Board of the Town of Lancaster hereby approves the Memorandum of Agreement dated March 11, 2009, between the Town of Lancaster and the Lancaster Dispatcher Employee Association (LDEA), as presented, for a successor collective negotiation agreement with a stated term of January 1, 2008 through and including December 31, 2011.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

April 6, 2009

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPNIAK, TO WIT:

RESOLVED, that the following Schedule of Salaries for the calendar year 2008 be and hereby is amended and approved for the members of the Lancaster Dispatchers Employee Association (LDEA) retroactive to January 1, 2008:

TO BE PAID BI-WEEKLY

<u> </u>	<u>POLICE DEPARTMENT:</u>	
<u> </u>	Public Safety Dispatchers:	\$47,660.00 each

and

BE IT FURTHER
RESOLVED, that the following Schedule of salaries for the calendar year 2009 be and hereby is amended and approved for the members of the Lancaster Dispatchers Employee Association (LDEA) retroactive to January 1, 2009:

TO BE PAID BI-WEEKLY

<u> </u>	<u>POLICE DEPARTMENT:</u>	
<u> </u>	Public Safety Dispatchers:	\$49,042.00 each

and,

BE IT FURTHER,
RESOLVED, that all other types of compensation, where applicable, be paid according to the terms of an agreement between the Town of Lancaster Dispatcher Employee Association.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

April 6, 2009

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, the Chief of Police of the Town of Lancaster, by letter dated March 25, 2009, has requested authorization to send Lieutenant Erin Myers and Lieutenant James Robinson to the 2009 New York Tactical Officers Conference to be held in Verona, New York from April 28, 2009 to April 30, 2009. The cost for this course, including training and lodging, will be approximately \$350 per officer.

NOW, THEREFORE, BE IT

RESOLVED, that Lieutenant Erin Myers and Lieutenant James Robinson be and are hereby authorized to attend the 2009 New York Tactical Officers Conference in Verona, New York from April 28, 2009 to April 30, 2009. The cost for this course, including training and lodging, will be approximately \$350 per officer.

BE IT FURTHER,

RESOLVED, that the cost for the attendance at the above-mentioned conference is hereby authorized in the amount of approximately \$350 plus expenses per officer.

BE IT FURTHER,

RESOLVED, that said reimbursement will be made only upon submission of proper documentation and substantiation of expenses, including receipts, to the Accounting Department of the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

April 6, 2009

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER ABRAHAM, TO WIT:

WHEREAS, a vacancy exists in the position of Clerk, permanent, part time in the Town Clerk’s Office, and

WHEREAS, the Town Clerk of the Town of Lancaster, by letter dated March 30, 2009, has recommended the appointment of Kristin Keane of Depew, New York to fill the vacant position of Clerk, permanent, part time in the Town Clerk’s Office.

NOW, THEREFORE, BE IT

RESOLVED, as follows:

SECTION 1: That Kristin Keane, Depew, New York, be and is hereby appointed to the position of Clerk, permanent, part time, in the Office of the Town Clerk, working not more than nineteen and one-half (19½) hours per week.

SECTION 2: That Kristin Keane be compensated on-step in accordance with the following schedule: _____

- Full - \$14.02
- 90% - 0 to 910 hrs. cumulative service in Town Clerk’s Office: \$12.62/hour
- 95% - 911 to 1,820 hrs. cumulative service in Town Clerk’s Office: \$13.32/hour
- 100% - greater than 1,820 hrs. cumulative service in Town Clerk’s Office: \$14.02/hour

SECTION 3: That this appointment be effective April 7, 2009.

SECTION 4: That this appointment, being a part time position, provides no health insurance, sick days, vacation or fringe benefits not specifically mandated for part time employees. _____

BE IT FURTHER,

RESOLVED, that the Supervisor of the Town of Lancaster take the necessary action with the Personnel Officer of the County of Erie to accomplish the foregoing.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

April 6, 2009

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER ABRAHAM, TO WIT:

WHEREAS, Pleasant Meadows Associates, LLC, 2730 Transit Road, West Seneca, New York 14224, the contract vendee for the rezone of a parcel of land located on 3830, 3840, and 3860 Walden Avenue, Lancaster, New York has petitioned the Town Board of the said Town for the rezone of said property from a Residential Commercial Office District (RCO) to Multi-Family Residential District 4 (MFR-4), and

WHEREAS, the Petition has been referred to the Planning Board of the Town of Lancaster for its recommendation and report;

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Sections 130 and 265 of the Town Law of the State of New York a Public Hearing on the proposed rezone will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, on the 20th day of April, 2009, at 8:30 o'clock P.M., Local Time, and that Notice of the Time and Place of such Hearing be published in the Lancaster Bee, a newspaper of general circulation in said Town on April 9, 2009, and be posted on the Town Bulletin Board, and that Notice of such Hearing be referred to the Erie County Department of Planning, pursuant to Section 239 (m) of the General Municipal Law, which Notice shall be in form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

April 6, 2009

**LEGAL NOTICE
REZONE - PUBLIC HEARING
3830, 3840, and 3860 WALDEN AVENUE
TOWN OF LANCASTER**

LEGAL NOTICE IS HEREBY GIVEN, that pursuant to the Town Law of the State of New York and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted on April 6, 2009, the said Town Board will hold a Public Hearing on the 20th day of April, 2009 at 8:30 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons upon the following proposed amendment to the Zoning Ordinance and Zoning Map of the Town of Lancaster, rezoning the following described real property from Residential Commercial Office District (RCO) to Multi-Family Residential District 4 (MFR-4):

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Lancaster, County of Erie and State of New York, being part of Lots 7 and 9, Section 8, Township 11, Range 6 of the Holland Land Survey (so-called), bounded and described as follows:

BEGINNING at a point on the easterly line of lands conveyed to Pleasant Meadows Associates, LLC by Deed recorded in Liber 11012 of Deeds at page 165 distant 740.46 north of the northerly boundary line of Walden Avenue as measured along said easterly line;

THENCE: through said Pleasant Meadows Associates, LLC lands the following eight (8) courses and distances:

- 1.) N-89°-05'-55"-W, a distance of 50.00 feet to a point;
- 2.) S-55°-39'-40"-W, a distance of 135.00 feet to a point;
- 3.) S-87°-49'-28"-W, a distance of 715.00 feet to a point;
- 4.) Northwesterly, on a curve to the left having a radius of 1,500.00 feet, an arc distance of 170.51 feet to a point of tangency;
- 5.) N-21°-03'-52"-W, a distance of 1, 031.04 feet to a point of curvature;
- 6.) Northwesterly, on a curve to the right having a radius of 1,000.00 feet, an arc distance of 344.93 feet to a point;
- 7.) S-87°-33'-52"-E, a distance of 722.05 feet to a point;
- 8.) S-88°-00'-41"-E, a distance of 664.74 feet to a point on the easterly line of said Pleasant Meadows Associates, LLC lands;

THENCE: S-00°-54'-05"-W, along said easterly line, a distance of 1,305.00 feet to the POINT OR PLACE OF BEGINNING containing 37.246 acres be the same more or less.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**TOWN BOARD OF THE
TOWN OF LANCASTER**

**BY: JOHANNA M. COLEMAN
Town Clerk**

April 6, 2009

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, this organization has received a special grant in the 2006-2007 New York State Budget in the amount of \$25,000 toward construction of a band shell, and

WHEREAS, there are specific requirements and regulations governing the expenditure of these funds.

NOW THEREFORE, this body resolves the following:

1. Administration of all funds under this grant will be in accordance with all terms and conditions contained in “***GUIDELINES for projects over \$50,000 or involving construction or bidding - Fiscal Year 2008 – 2009,***” provided by the New York State Office of Parks, Recreation and Historic Preservation.
2. That Robert H. Giza, as Supervisor of our organization, is hereby authorized to sign legal documents on behalf of our organization and that such signature is acknowledgment of the acceptance by this body of compliance with all terms and conditions of the grant agreement, to be executed for the grant.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

April 6, 2009

County of Erie } ss:
Town of Lancaster

This is to certify that I, Johanna M. Coleman, Town Clerk and Registrar of Vital Statistics of the Town of Lancaster in the said County of Erie, have compared the foregoing copy of a resolution with the original thereof filed in my office at Lancaster, New York, on the 6th day of April 2009 and that the same is a true and correct copy of said original, and of the whole thereof.

In Witness Whereof, I have hereunto set my hand and affixed the seal of said Town this 8th day of April 2009.

Seal

Town Clerk and Registrar of Vital Statistics

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER AMATURA, TO WIT:

WHEREAS, New York State Electric & Gas Corp., 150 Erie Street, Lancaster,
New York 14086 has presented a cost proposal to effectuate changes to street lighting on
William Street near the new Wal-Mart Superstore.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby accepts
the proposal of New York State Electric & Gas Corp. for the following:

- 1.) Relocation of pole #132, 133A and 135 with a 16 foot or longer street light
brackets which are now billable.

- 2.) For pole #132:
 - 1-150 watt high pressure sodium light \$100.37 annually
 - 1-22 foot street light bracket \$28.08 annually
 - 1-70 watt high pressure sodium light (\$89.48) annually

- 3.) For pole # 133A:
 - 1-100 watt high pressure sodium light \$93.68 annually
 - 1-22 foot street light bracket \$28.08 annually
 - 1-175 watt mercury vapor light (\$69.35) annually

- 4.) For pole #135:
 - 1-100 watt high pressure sodium light \$93.68 annually
 - 1-16 foot street light bracket \$28.08 annually
 - 1-175 watt mercury vapor light (\$69.35) annually

- Total annual billing change \$143.00*

* Does not include supply energy as the Town purchases their electricity from a supplier other
than NYSEG

BE IT FURTHER

RESOLVED, that the Supervisor of the Town of Lancaster be and is hereby
authorized to accept and execute the proposal of New York State Electric & Gas Corp. for the
above mentioned installation.

The question of the adoption of the foregoing resolution was duly put to a vote on roll
call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES

April 6, 2009

File: rstreet lighting proposal

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, the Chief of Police of the Town of Lancaster has requested the
Town Board to advertise for bids to furnish six (6) new 2009 Patrol Vehicles and two (2) new
2009 Mid-size Vehicles for use by the Police Department, and

WHEREAS, the Public Safety Committee of the Town Board has approved
such request;

NOW, THEREFORE, BE IT

RESOLVED, that Notice to Bidders and/or Automobile Dealers, in form
attached hereto and made a part hereof, be published in the Lancaster Bee and posted according
to Law, that the Town will receive bids up to 10:00 o'clock A.M. Local Time, on April 24, 2009
at the Town Hall, 21 Central Avenue, Lancaster, New York, for the furnishing of six (6) new
2009 Patrol Vehicles and two (2) Mid-size Vehicles for use by the Police Department of the
Town of Lancaster, in accordance with specifications on file in the office of the Town Clerk.

The question of the adoption of the foregoing resolution was duly put to a vote
on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

April 6, 2009

File: rpolic bids409

**LEGAL NOTICE
TOWN OF LANCASTER
NOTICE TO BIDDERS
AND/OR
AUTOMOBILE DEALERS**

NOTICE IS HEREBY GIVEN that sealed bids and/or proposals will be received by the Town Clerk of the Town of Lancaster, Erie County, New York, at the Town Hall, 21 Central Avenue, Lancaster, New York, up to 10:00 A.M., Local Time, on the 24th day of April 2009, for furnishing six (6) new 2009 Patrol Vehicles and two (2) Mid-size Vehicles for use by the Police Department of the Town of Lancaster, in accordance with specifications on file in the Town Clerk's Office, 21 Central Avenue, Lancaster, New York.

A certified check or bid bond in the amount of One Thousand Dollars (\$1,000.00), payable to the Supervisor of the Town of Lancaster, and a Non-Collusive Bidding Certificate must accompany each bid.

The Town reserves the right to reject any or all bids and to waive any informalities.

**TOWN BOARD OF THE
TOWN OF LANCASTER**

**BY: JOHANNA M. COLEMAN
Town Clerk**

April 6, 2009

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER AMATURA, TO WIT:

WHEREAS, the Highway Superintendent of the Town of Lancaster, by letter dated March 31, 2009, has requested the appointment of a part-time seasonal laborer to work in the Highway Department for the 2009 summer season.

NOW, THEREFORE, BE IT

_____ **RESOLVED**, that the following individual be appointed to the position of laborer part-time, seasonal for the 2009 summer season in the Highway Department, and that this being a part time position provides no health insurance, sick days, vacations, or other fringe benefits not specifically mandated for part-time temporary employees:

NAME	RATE	EFFECTIVE DATE
Daniel Miller (rehire) 35 Brady Avenue, Lancaster	\$8.75 per hour	May 11, 2009

BE IT FURTHER,

RESOLVED, that the Supervisor of the Town of Lancaster take the necessary action with the Personnel Officer of the County of Erie to accomplish the foregoing.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

April 6, 2009

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, the General Crew Chief, by letter dated April 1, 2009, has requested the appointment of part time employees in the Parks, Recreation and Forestry Department of the Town of Lancaster for the Spring/Summer season of 2009.

NOW, THEREFORE, BE IT

RESOLVED, that the following individuals are hereby appointed to the position of part time employee for the Spring/Summer season of 2009 in the Parks, Recreation and Forestry Department of the Town of Lancaster effective retroactive to April 1, 2009, with no benefits, at the following hourly rate:

NAME	POSITION	RATE/HOUR
Joseph Aquino (rehire) Lancaster, New York	Laborer, PT	\$8.75
Steven Goehle (rehire) Lancaster, New York	Laborer, PT	\$7.90
Michael Saad (rehire) Depew, New York	Laborer, PT	\$7.40
Brian Harder (rehire) Lancaster, New York	Laborer, PT	\$9.25

BE IT FURTHER,

RESOLVED, that the Supervisor of the Town of Lancaster take the necessary action with the Personnel Officer of the County of Erie to accomplish the foregoing.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

April 6, 2009

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPNIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER ABRAHAM, TO WIT:

WHEREAS, Todd Benderson, 570 Delaware Avenue, Buffalo, New York 14202, has submitted a revised site plan prepared by FRA A T-Y-Lin International Company, dated November 5, 2008 with a revised date of February 11, 2009 and received February 17, 2009 for the proposed development of a 10,000 sq. ft. one-story retail building located at 4931 Transit Road, south of William Street in the Town of Lancaster, and

WHEREAS, the Planning Board has reviewed the plan and at its meeting on March 4, 2009 has recommended approval of this project, and

WHEREAS, a SEQR Review of this project was held March 16, 2009 and a negative declaration was issued at that time.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby approves the Site Plan submitted by Todd Benderson, 570 Delaware Avenue, Buffalo, New York 14202, has submitted a revised site plan prepared by FRA a T-Y-Lin International Company, dated November 5, 2008 with a revised date February 11, 2009 and received February 17, 2009 for the proposed development of a 10,000 sq. ft. one-story retail building located at 4931 Transit Road, south of William Street in the Town of Lancaster and conditioned on the following:

- 1) Connect to the property to the northeast at such time when that property is developed and traffic signal goes in, then abandon existing exit at Rite Aid.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED NO
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

April 6, 2009

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL
MEMBER ABRAHAM, TO WIT:

RESOLVED, that the following Audited Claims be and are hereby ordered paid
from their respective accounts as per abstract to be filed in the Office of the Town Clerk by the
Director of Administration and Finance, to wit:

Claim No. 7324 to Claim No. 7615 Inclusive

Total amount hereby authorized to be paid: \$3,226,959.88

The question of the foregoing resolution was duly put to a vote on roll call
which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

April 6, 2009

File: Rclaims

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPNIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER ABRAHAM, TO WIT:

RESOLVED that the following Building Permit applications be and are hereby reaffirmed:

CODES:

- (SW) = Sidewalks as required by Chapter 12-1B. of the Code of the Town of Lancaster are waived for this permit.
(CSW) = Conditional sidewalk waiver
(V/L) = Village of Lancaster

PREVIOUSLY TABLED PERMITS:

16415	Grau Builders	11 Logan Ln	Er. Dwlg.-Sin.
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NEW PERMITS:

16491	Creative Fence Co Inc	15 Chicory Ln	Er. Fence
16492	Gordon, Stephen	59 Pavement Rd	Er. Deck
16493	Besroi Construction	5196 Genesee St	Re-Roof House
16494	Crist Construction	20 Irwinwood Rd	Re-Roof House (V/L)
16495	Crist Construction	57 Stony Brook Dr	Re-Roof House
16496	ABC Hardware	14 Country Pl	Install Generator
16497	ABC Hardware	64 Roosevelt Ave	Install Generator (V/L)
16498	D. Allen & Sons	86 Sawyer Ave	Re-Roof House (V/L)
16499	Anderson Water Systems	1 Chicory Ln	Install Generator
16500	Peters, Marty	46 W Drullard Ave	Er. Fence (V/L)
16501	Cortese Bros	1222 Townline Rd	Er. Res. Add.
16502	Deltex Electric Inc	6267 Genesee St	Install Generator
16503	Natale Building Inc	70 Middlebury Ln	Er. Dwlg.-Sin.
16504	Maryanski, Thomas	8 Livingston St	Er. Garage (V/L)
16505	Haag, Christopher	241 Westwood Rd	Er. Shed
16506	Randaccio Builders	21 Worthington Ln	Er. Dwlg.-Sin.
16507	Mayer Electric	16 Whitestone Ln	Install Generator
16508	Passariella, Scott	82S Irwinwood Rd	Er. Fence (V/L)
16509	Marrano/Marc Equity	22 St Davids Rd	Er. Dwlg.-Sin.
16510	D. Allen & Sons	14 Erie St	Re-Roof House (V/L)
16511	A Best	51 Main St	Er. Res. Add.
16512	TR Renovation	35 Whitestone Ln	Er. Res. Add.
16513	Tucker Homes Inc	43 Chestnut Corner	Er. Dwlg.-Sin.
16514	Quality Aluminum	30 Quincy Ave	Re-Roof House (V/L)
16515	TSP Contracting Inc	37 Maple Ave	Re-Roof House (V/L)
16516	David Pilarski Const	34 Running Brook Dr	Re-Roof House
16517	Fenster, David	5460 Broadway	Er. Sign (V/L)
16518	Pacer, Todd	12 Hill Valley Dr	Re-Roof House
16519	Crist Construction	46 Gale Dr	Re-Roof House
16520	JCS Builders Inc	37 Brunck Rd	Er. Fence
16521	Duro-Shed Inc	27 Quail Hollow	Er. Shed
16522	Mike Sebastiano & Sons	9E Drullard Ave	Er. Garage (V/L)
16523	Mr. Pool Enterprises	37 Brunck Rd	Er. Pool-In Grnd
16524	Ryan Homes	45 Rose St	Er. Dwlg.-Sin.
16525	D.Allen & Sons	12 Lombardy St	Re-Roof House (V/L)
16526	Cortes, Michelle	11 Carter St	Er. Fence (V/L)

16527	Besroi Construction	201 Enchanted Forest S	Re-Roof House
16528	Besroi Construction	17 Grafton Ct	Re-Roof House
16529	Besroi Construction	5133 William St	Re-Roof House
16530	Sahlem's Roofing	237 Enchanted Forest N	Re-Roof House
16531	Sahlem's Roofing	11 Gale Dr	Re-Roof House
16532	Sahlem's Roofing	4 Kennedy Ct	Re-Roof House
16533	Sahlem's Roofing	81 Pheasant Run Ln	Re-Roof House
16534	Sahlem's Roofing	2 Windsor Ridge Dr	Re-Roof House
16535	Sahlem's Roofing	33 Southpoint Dr	Re-Roof House
16536	Arbour Construction	142 Laverack Ave	Er. Comm. Add. (V/L)
16537	Sutton, Karen	5302 William St	Re-Roof House
16538	Caldwell, Linda	4932 William St	Er. Res. Add.
16539	Stegmeier, Michael	32 Woodlawn Ave	Er. Fence (V/L)
16540	Piechowicz, Nicholas	16 Liberty St	Re-Roof House (V/L)
16541	JMT Construction	25 Quail Run Ln	Re-Roof House
16542	Okon, Christopher	25 Fox Hunt Rd	Re-Roof House
16543	Tops Markets	4779 Transit Rd	Er. Sign-Temp
16544	Leveled Contracting	32 Rollingwood Dr	Re-Roof House
16545	Leveled Contracting	23 Petersbrook Cir	Re-Roof House
16546	Smith, Clayton	14E Drullard Ave	Re-Roof House (V/L)
16547	Stoberl, Mary	25 Logan Ln	Er. Deck
16548	Housecrafters LLC	1 Wendtworth Ct	Re-Roof House
16549	Anderson Water Systems	20 Regency Ct	Install Generator

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (SW) for sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance requirement for sidewalks, and

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

April 6, 2009

SUSPENDED RESOLUTION:

Supervisor Giza requested a suspension of the necessary rules for immediate consideration of the following resolution:

UPON A MOTION DULY MADE BY COUNCIL MEMBER ABRAHAM, SECONDED BY COUNCIL MEMBER STEMPIAK AND CARRIED, a suspension was granted.

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPIAK, TO WIT:

WHEREAS, Brian Parisi Copier Systems, Inc. has made an offer to purchase the Town owned library building on Columbia Avenue in the Village of Depew for \$325,000, and

WHEREAS, the Town Board has determined this property to be surplus and has been actively marketing the property in an attempt to cause a sale, and

WHEREAS, the Town Board after reviewing the offer made by Brian Parisi Copier Systems, Inc. has determined that the purchase offer is consistent with the outside appraisal the Town obtained on the property and is a fair offer and that it is in the interest of the taxpayers of the Town of Lancaster to accept this offer;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby authorizes the Supervisor of the Town of Lancaster to enter into a written real estate contract with Brian Parisi Copier Systems, Inc. for the purchase of the Town owned library building on Columbia Avenue in the Village of Depew. The contract will contain a contingency clause that Brian Parisi Copier Systems, Inc. obtain a rezone approval from the Village of Depew allowing the property to be utilized as an Office/Showroom for business use by Brian Parisi Copier Systems, Inc.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED NO
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

April 6, 2009

COMMUNICATIONS & REPORTS

122. Planning Board Chairman to Town Clerk -
Transmittal of Certificate of Attendance of 10 hours of training as required as Planning Board Member. DISPOSITION = Received & Filed
123. NYS DOT to Town Attorney -
Notice of Lead Agency designation regarding rezone petition for 5497 Genesee Street; comments noted. DISPOSITION = Planning Committee
124. NYS Association of County Clerks to NYS Governor -
Letter opposing proposed legislation allowing the change of Town Clerks' office from an elected position to an appointed position. DISPOSITION = Received & Filed
125. Time Warner Cable to Supervisor -
Notice regarding increase in fees for late payment of cable services. DISPOSITION = Received & Filed
126. Depew Joint Veterans Committee to Supervisor -
Invitation to Town Board to attend Memorial Day Ceremonies, Monday, May 25, 2009. DISPOSITION = Town Board & Town Clerk
127. Time Warner Cable to Supervisor -
Notice of completion of divestiture of ownership interest of Time Warner Cable Inc by Time Warner Inc. DISPOSITION = Received & Filed
128. Twin District Fire Company to Town Clerk -
Request for change in roster. DISPOSITION = Resolution 3/16/09
129. Linda McGovern to Supervisor -
Letter of appreciation for services of the Youth Bureau. DISPOSITION = Received & Filed
130. Building Inspector to Town Clerk -
Letter of no objection for issuance of 2009 license to Ransom Auto Parts to conduct a salvage yard. DISPOSITION = Received & Filed
131. Paul Boguhn to Supervisor -
Letter regarding tax exempt home improvements to care for disabled individuals as provided by Americans with Disabilities Act of 1990. DISPOSITION = For Resolution
132. LIDA Consultant to Chairman, LIDA -
Transmittal of 2007 Annual Performance Report of Lancaster Industrial Development Agency compared with area IDA's. DISPOSITION = Received & Filed
133. Ronald and Danette Fix to Town Board -
Comments regarding home occupation business located at 732 Aurora Street. DISPOSITION = Received & Filed
134. Planning Board Chairman to Planning Board, Town Board, Engineering Consultant, Town Attorney, Highway Superintendent, Building Inspector -
Draft copy of minutes of meeting held March 18, 2009. DISPOSITION = Received & Filed
135. Planning Board to Town Board -
Recommend approval of rezone petition of Pleasant Meadows Associates LLC for 3830, 3840, & 3860 Walden Avenue. DISPOSITION = Planning Committee
136. Frank's Grill to Town Clerk -
Notice of liquor license renewal application. DISPOSITION = Town Clerk
137. Village of Lancaster to Town Board -
Minutes of meeting held March 9, 2009. DISPOSITION = Received & Filed
138. Village of Lancaster to Town Board -
Minutes of meeting held March 18, 2009. DISPOSITION = Received & Filed

139. Erie County Department of Environment & Planning to Town Board -
Notice of SEQR negative declaration regarding proposed rules and regulations for Erie County Sewer Districts. DISPOSITION = Planning Committee
140. Erie County Department of Environment & Planning to Planning Board Chairman, Zoning Board of Appeals Chairman -
Transmittal of results of survey regarding required annual training for planning and zoning boards. DISPOSITION = Received & Filed
141. Erdman Anthony Engineering to Town Board -
Press release announcing acquisition of Dewkett Engineering, P.C. by Erdman Anthony. DISPOSITION = Received & Filed
142. Lancaster VFW Post No. 7275 to Town Board -
Invitation to Town Board to participate in Memorial Day services. DISPOSITION = Town Board & Town Clerk
143. General Crew Chief to Supervisor -
Request creation of the full time position of Recreation Leader (Senior Services) for the Senior Center. DISPOSITION = Resolution 4/6/09
144. Chief of Police to Supervisor -
Request authorization to send Lieutenants Erin Myers and James Robinson to New York Tactical Officers Conference. DISPOSITION = Resolution 4/6/09
145. Town Clerk to Town Board -
Request appointment of Kristin Keane as Clerk, Part Time. DISPOSITION = Resolution 4/6/09
146. Jack Quinn, NYS Member of Assembly to NYS Governor -
Letter opposing proposed legislation allowing change of certain offices from elected positions to appointed positions. DISPOSITION = Received & Filed
147. Highway Superintendent to Town Board -
Request resolution to purchase two pick-up trucks from state contract vendor, Fairport Ford LLC. DISPOSITION = Received & Filed
148. Town Clerk to Town Board -
Transmittal of second settlement payment for 2009 County/Town Tax Warrant. DISPOSITION = Received & Filed
149. Time Warner Cable to Supervisor -
Update on developments regarding cable services in the town. DISPOSITION = Received & Filed
150. Lancaster-Depew Baseball League to Town Board -
Invitation to opening day ceremony at Westwood Park, Saturday, May 2, 2009 at 9:00 AM. DISPOSITION = Town Board & Town Clerk
151. General Crew Chief to Town Board -
Request resolution to appoint Daniel Miller as summer employee. DISPOSITION = Resolution 4/6/09
152. General Crew Chief to Supervisor -
Request resolution to appoint seasonal employees. DISPOSITION = Resolution 4/6/09

EXECUTIVE SESSION #2:

AT 9:42 P.M., UPON A MOTION DULY MADE BY COUNCIL MEMBER STEMPNIAK, SECONDED BY COUNCIL MEMBER AMATURA AND CARRIED, the Town Board entered into Executive Session to deliberate on the announced purpose of discussing a particular personnel matter, a contractual matter related to the Coordinated Assessment Programs.

At 10:42 P.M., the Town Board reconvened with all members present. The Town Clerk reported that no official actions were taken by the Town Board in Executive Session.

ADJOURNMENT:

ON MOTION OF COUNCIL MEMBER STEMPNIAK, SECONDED BY COUNCIL MEMBER ABRAHAM AND CARRIED, the meeting was adjourned at 10:42 P.M. in memory of Mark K. Reukauf II, John Ricci, Frank J Constantino and Jerry Kline.

Signed _____
Johanna M. Coleman, Town Clerk